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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,505	11/20/2001	Takashi Yamaguchi	F-7231	2653

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EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3722

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary

Application No.

09/989,505

Applicant(s)

YAMAGUCHI, TAKASHI

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 6-18 is/are allowed.
- 6) ☒ Claim(s) 19,32,33 and 35 is/are rejected.
- 7) ☒ Claim(s) 20-31,34 and 36-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 32, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,516 to D'Andrade et al. in view of U.S. Patent No. 5,195,920 to Collier and U.S. Patent No. 6,315,630 B1 to Yamasaki.

D'Andrade et al. discloses a movable body (12) having first (24) and second (26) drive sources on opposing sides of the movable body (see fig. 2) for respectively propelling the movable body (see column 4, lines 55-64). An operating device (56) having a throttle control (72) adapted to permit a user to input a throttle setting for controlling the first and second drive sources to propel the movable body at a corresponding velocity (see column 5, lines 14-15), and a steering control (74) adapted to permit a user to input a steering setting for effecting steering of the movable body (see column 5, lines 14-15). A velocity ratio being used to set a ratio of a first velocity of one of the first and second drive sources to a second velocity of another one of the first and second drive sources for effecting steering of the movable body (see column 2, lines 22-45).

However, D'Andrade et al. fails to teach a setting device adapted to permit a user to input configuration settings determining a selected one of a plurality of characteristic

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setting values, a storage device for storing performance characteristic data defining a plurality of steering characteristics, and a controller responsive to the throttle setting, and the steering setting for controlling the drive sources. Nevertheless, Yamasaki teaches a remote controlled toy vehicle (10) comprising a setting device (80) adapted to permit a user to input configuration settings determining a selected one of a plurality of characteristic setting values (see column 6, lines 15-23). Collier teaches a remote controlled toy vehicle (see fig.1) comprising a storage device (510) for storing performance characteristic data defining a plurality of steering characteristics (see column 9, lines 52-65), and a controller (500) responsive to the throttle setting, and the steering setting for controlling the drive sources (see figs.1, 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy vehicle of D'Andrade et al., in view of Collier and Yamasaki, such that it would provide the toy vehicle of D'Andrade et al. with the concept of the aforementioned limitations for the purpose of enhancing the versatility and entertainment value of the toy vehicle.

Claims 19, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 019 448 A1 to Calvin in view of U.S. Patent No. 5,195,920 to Collier and U.S. Patent No. 6,315,630 B1 to Yamasaki.

Calvin discloses a movable body (1) having first (10) and second (11) drive sources on opposing sides of the movable body (see fig.1) for respectively propelling the movable body (see pg. 3, lines 30-32). An operating device (see fig. 2) having a

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throttle control (16) adapted to permit a user to input a throttle setting for controlling the first and second drive sources to propel the movable body at a corresponding velocity (see pg. 4, lines 24-35), and a steering control (17) adapted to permit a user to input a steering setting for effecting steering of the movable body (see pg. 4, lines 24-35). A velocity ratio being used to set a ratio of a first velocity of one of the first and second drive sources to a second velocity of another one of the first and second drive sources for effecting steering of the movable body (see pg. 4, lines 2-14). A controller (12) that is responsive to the throttle setting, and the steering setting for controlling the first and second drive sources (see figs.1, 2, and pg. 4).

However, Calvin fails to teach a setting device adapted to permit a user to input configuration settings determining a selected one of a plurality of characteristic setting values, and a storage device for storing performance characteristic data defining a plurality of steering characteristics. Nevertheless, Yamasaki teaches a remote controlled toy vehicle (10) comprising a setting device (80) adapted to permit a user to input configuration settings determining a selected one of a plurality of characteristic setting values (see column 6, lines 15-23). Collier teaches a remote controlled toy vehicle (see fig.1) comprising a storage device (510) for storing performance characteristic data defining a plurality of steering characteristics (see column 9, lines 52-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy vehicle of Calvin, in view of Collier and Yamasaki, such that it would provide the toy vehicle of Calvin with the concept of the

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aforementioned limitations for the purpose of enhancing the versatility and entertainment value of the toy vehicle.

Response to Arguments

Applicant's arguments with respect to claims 19-39 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 1 and 6-18 are allowed, as stated in the previously sent notice of allowance.

Claims 20-31, 34, and 36-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA
05/01/2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER